

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AETNA INC.,

AL PACKER FORD, INC.

ALCAN ALUMINUM CORP.

ALLEGHENY POWER

(FOR SPRINGDALE POWER PLANT)

AMERICAN SERVICE CENTER

ASSOCIATES, LLC

(trading as AMERICAN SERVICE

CENTER- A MERCEDES-BENZ

RETAILER)

ASHLAND, INC.

(for ASHLAND CHEMICAL, INC.,

ASHLAND OIL, INC. AND

ASHLAND PETROLEUM),

AVIS RENT A CAR SYSTEM INC.

(for AVIS RENTALS AND

AVIS TRUCK SERVICE),

BEAZER EAST INC.

a/k/a THE KOPPERS COMPANY, INC.)

BESSEMER & LAKE ERIE

RAILROAD CO.,

BOARD OF EDUCATION OF

BALTIMORE COUNTY PUBLIC

SCHOOLS,

BOSTON METAL,

BRIDGESTONE/FIRESTONE NORTH

AMERICAN TIRE, LLC

(f/k/a FIRESTONE CO.),

BROWNING-FERRIS INDUSTRIES,

INC.,

BUCKEYE PIPE LINE CO.,

BUCKYRUS-ERIE CO.,

CATERPILLAR, INC.

(a/k/a CATERPILLAR TRACTOR CO.),

CCX, INC. BRAEBURN ALLOY

C.A. No. 05- 15
(Related Case 97-1863)

Judge

Chief Magistrate Judge Caiazza

STEEL DIVISION,)
CHAMBERS DEVELOPMENT CO.,)
CONSOL ENERGY INC.)
(f/k/a CONSOLIDATION COAL CO.),)
COOPER ENERGY SERVICES,)
CORNING, INC.)
(f/k/a CORNING GLASS),)
CROWN WRECKING CO., INC.,)
DAIMLER CHRYSLER CORP.)
(for AMC JEEP PLANT),)
DONNELL FORD,)
DRAVO CORP.)
(for DRAVO COMPOSITE FUELS)
PILOT PLANT),)
DUQUESNE LIGHT CO.)
(a/k/a ALLEGHENY STEAM),)
EASTERN ASSOCIATED COAL, CORP.)
(f/k/a EASTERN COAL CO.),)
EATON CORP.,)
FMC CORP.,)
GREATER CLEVELAND REGIONAL)
TRANSIT AUTHORITY (a/k/a R.T.A.),)
GUTTMAN OIL CO.,)
HARLEY-DAVIDSON MOTOR)
COMPANY,)
HYDRIL CO.,)
INDUSTRIAL TERMINAL SYSTEMS,)
INC.,)
INTERNATIONAL PAPER)
(f/k/a HAMMERMIL PAPER CO.),)
INTERNATIONAL TRUCK & ENGINE)
CORP. (f/k/a INTERNATIONAL TRUCK),)
J.F.BURNS MACHINE CO., INC.,)
JOY TECHNOLOGY,)
KIESEL OIL (a/k/a KIESEL CO.),)
LUBRIQUIP, INC. (a/k/a)
LUBRIQUIP DIVISION),)
LUSTINE CHEVROLET,)
MCKEAN OLDSMOBILE,)
MINE SAFETY APPLIANCE)
COMPANY, INC.,)
MUELLER COPPER TUBE)
PRODUCTS, INC. (f/k/a)

HALSTEAD INDUSTRIES, INC.),)
 NEPCO,)
 NEWELL RUBBERMAID, INC.)
 (for ANCHOR HOCKING CORP.,)
 PLANT #5),)
 PHILIPS ELECTRONICS NORTH)
 AMERICA CORP)
 (for NORELCO CORP.),)
 PITTSBURGH BRASS,)
 PITTSBURGH TUBE CO.,)
 POTOMAC ELECTRIC POWER CO.)
 (a/k/a PEPCO),)
 PPG INDUSTRIES., INC.,)
 PRAXAIR, INC. (f/k/a)
 UNION CARBIDE CO.),)
 PRINCE GEORGE'S COUNTY,)
 MARYLAND)
 (for PRINCE GEORGE'S COUNTY)
 CENTRAL VEHICLE MAINTENANCE)
 and DEPARTMENT OF PUBLIC WORKS),)
 RYDER TRUCK (a/k/a RYDER)
 TRUCK RENTAL),)
 SCALISE BROS., INC. (a/k/a)
 SCALISE BROTHERS),)
 SKF USA INC. (a/k/a SKF)
 INDUSTRIES),)
 SPRINGFIELD TOYOTA,)
 TATE DODGE,)
 THE GOODYEAR TIRE & RUBBER CO.)
 (a/k/a GOODYEAR TIRE and)
 GOODYEAR SERVICE STORES and)
 CENTERS),)
 THE HALL CORP., (f/k/a)
 STACKPOLE CO.),)
 THE MAY DEPARTMENT STORES)
 (d/b/a HECHT CO.),)
 THOMAS STEEL CO. (f/k/a THOMAS)
 STEEL STRIP CO.),)
 TIMONIUM CHRYSLER PLYMOUTH,)
 UNION ELECTRIC STEEL CORP.,)
 UNITED IRON & STEEL (a/k/a)
 UNION IRON & METAL),)
 VERIZON MARYLAND INC. and)

VERIZON VIRGINIA INC. (f/k/a)
C & P TELEPHONE COMPANY),)
VOLKSWAGEN OF AMERICA INC.,)
WEBER VOLVO CO. (for WEBER)
WHITE TRUCK),)
WESTERN AUTO (a/k/a WESTERN)
AUTO SUPPLY COMPANY),)
WOLLAM CHEVROLET, INC., and)
YOUNGSTOWN BUICK,)
Defendants.)
_____)

COMPLAINT

The United States of America, by authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), files this complaint and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action commenced pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act "CERCLA"), 42 U.S.C. § 9607(a), for the recovery of response costs from the named defendants incurred and to be incurred by the United States in responding to releases or threatened releases of hazardous substances at or from the Breslube Penn Superfund Site ("Breslube Penn Site") which is located in Moon Township, Allegheny County, Pennsylvania.

2. The United States also seeks a judgment, pursuant to CERCLA Section 113(g)(2), 42 U.S.C. §9613(g)(2), declaring that each Defendant is liable for future response costs that the United States shall incur as a result of releases or threatened releases of hazardous substances from the Site.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action and the parties hereto, pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), and 28 U.S.C. §§ 1331 and 1345.

4. Venue is proper in this district pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), and 28 U.S.C. §§ 1391(b) and (c), because the releases or threatened releases of hazardous substances that give rise to the United States' claims have occurred in this District.

THE BRESLUBE PENN SITE

5. The Breslube Penn Site is located at 84 Montour Road, in Moon Township, Allegheny County, Pennsylvania. The Site is surrounded by a steep hillside to the north and west, and is bordered by Montour Run to the east and south. Montour Run is a freshwater stream used for fishing.

6. There are approximately 35 people residing within a quarter mile of the Breslube Penn Site who use wells as a water supply, and within a one mile radius of the Site, a total of 94 people use wells as a water supply.

7. A variety of industrial and commercial wastes were treated, stored, and/or disposed of at the Site from, at the latest, 1974, through the late 1980s. Hereinafter "times relevant to this Complaint" include any of the years from 1974 through 1989.

THE DEFENDANTS

8. Each of the Defendants is a "person" within the meaning of CERCLA Section 101(21), 42 U.S.C. § 9601(21).

9. Defendant Aetna Inc. was incorporated in the State of Connecticut, and

has its headquarters in Connecticut.

10. Aetna's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

11. Some of Aetna's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

12. Defendant Al Packer Ford was incorporated in the State of Maryland, and has its headquarters in Maryland.

13. Al Packer Ford's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

14. Some of Al Packer Ford's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

15. Defendant Alcan Aluminum Corp. was incorporated in the State of Ohio, and has its headquarters in Ohio.

16. Alcan Aluminum Corp.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

17. Some of Alcan Aluminum Corp.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

18. Defendant Allegheny Power was incorporated in the State of Pennsylvania, has its headquarters in Pennsylvania.

19. Allegheny Power's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

20. Some of Allegheny Power's wastes (or wastes of a predecessor(s)) that

were treated and/or disposed of at the Site contained hazardous substances.

21. Defendant American Service Center Associates (trading as American Service Center- a Mercedes-Benz Retailer) was incorporated in the State of Virginia, and has its headquarters in Virginia.

22. American Service Center Associates's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

23. Some of American Service Center Associate's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

24. Defendant Ashland, Inc. (f/k/a Ashland Chemical, Inc., Ashland Oil, Inc. and Ashland Petroleum) was incorporated in the State of Ohio, and has its headquarters in Ohio.

25. Wastes of Ashland Inc., Ashland Chemical, Inc., Ashland Oil, Inc. and/or Ashland Petroleum (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

26. Some of the wastes of Ashland, Inc., Ashland Chemical, Inc., Ashland Oil, Inc. and/or Ashland Petroleum (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

27. Defendant Avis Rent A Car System (f/k/a Avis Rentals and Avis Truck Service) was incorporated in the State of New Jersey, and has its headquarters in New Jersey.

28. Wastes of Avis Rent A Car System, Avis Rentals and/or Avis Truck Service (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

29. Some of the wastes of Avis Rent A Car System, Avis Rentals and/or Avis

Truck Service (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

30. Defendant Bessemer & Lake Erie Railroad Co. was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

31. Bessemer & Lake Erie Railroad Co.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

32. Some of Bessemer & Lake Erie Railroad Co.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

33. Defendant Board of Education of Baltimore County Schools is a part of a political subdivision of the State of Maryland.

34. Wastes from the Board of Education of Baltimore County Schools were treated and/or disposed of at the Site during times relevant to the complaint.

35. Some of Board of Education of Baltimore County Schools' wastes that were treated and/or disposed of at the Site contained hazardous substances.

36. Defendant Beazer East, Inc. (a/k/a The Koppers Company, Inc.), was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

37. Wastes of Beazer East, Inc. or The Koppers Company (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

38. Some of Beazer East, Inc.'s or The Koppers Company's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

39. Defendant Boston Metal was incorporated in the State of Maryland, and

has its headquarters in Maryland.

40. Boston Metal's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

41. Some of Boston Metal's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

42. Defendant Bridgestone/Firestone North American Tire, LLC, (f/k/a Firestone Co.) was incorporated in the State of Tennessee, and has its headquarters in Tennessee.

43. Bridgestone/Firestone North American Tire, LLC's (f/k/a Firestone Co.'s) wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

44. Some of Bridgestone/Firestone North American Tire, LLC's (f/k/a Firestone Co.'s) wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

45. Defendant Browning Ferris Industries, Inc. ("BFI"), was incorporated in Washington, D.C., and has its headquarters in Washington, D.C.

46. BFI's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

47. Some of BFI's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

48. Alternatively, wastes that BFI transported to the Site, for treatment or disposal, which were owned by another entity, but for which BFI made the selection of the Site,

were treated and/or disposed of at the Site, and contained hazardous substances.

49. Defendant Buckeye Pipe Line Co., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

50. Buckeye Pipe Line's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

51. Some of Buckeye Pipe Line's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

52. Defendant Caterpillar, Inc. (a/k/a Caterpillar Tractor Co.), was incorporated in the State of Illinois, and has its headquarters in Illinois.

53. Wastes of Caterpillar, Inc. or Caterpillar Tractor Co. (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

54. Some of Caterpillar, Inc.'s or Caterpillar Tractor Co.'s wastes (or wastes of one of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

55. Defendant CCX, Inc., Braeburn Alloy Steel Division, was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

56. CCX, Inc. Braeburn Alloy Steel Division's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

57. Some of CCX, Inc. Braeburn Alloy Steel Division's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

58. Defendant Chambers Development Co., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

59. Chambers Development Co.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

60. Some of Chambers Development Co.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

61. Defendant Consol Energy Inc. (f/k/a Consolidation Coal Co.), was incorporated in the State of Delaware, and has its headquarters in Delaware.

62. Wastes of Consol Energy Inc. or Consolidation Coal Co. (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

63. Some of wastes of Consol Energy Inc. or Consolidation Coal Co. (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

64. Defendant Cooper Energy Services, was incorporated in the State of Ohio, and has its headquarters in Ohio.

65. Cooper Energy Service's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

66. Some of Cooper Energy Service's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

67. Defendant Corning, Inc. (f/k/a Corning Glass), was incorporated in the State of New York, and has its headquarters in New York.

68. Wastes of Corning, Inc. or Corning Glass (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

69. Some of Corning, Inc.'s or Corning Glass' wastes (or wastes of a

predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

70. Defendant Crown Wrecking Co., Inc., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

71. Crown Wrecking Co., Inc.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

72. Some of Crown Wrecking Co., Inc.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

73. Alternatively, wastes that Crown Wrecking Co., Inc. transported to the Site, for treatment or disposal, which were owned by another entity, but for which Crown Wrecking Co., Inc. made the selection of the Site, were treated and/or disposed of at the Site, and contained hazardous substances.

74. Defendant Daimler Chrysler Corp. (f/k/a Chrysler Corp.), was incorporated in the State of Michigan, and has its headquarters in Michigan.

75. Wastes of Daimler Chrysler Corp. or Chrysler Corp. (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

76. Some of Daimler Chrysler's Corp.'s or Chrysler Corp.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

77. Defendant Donnell Ford, was incorporated in the State of Ohio, and has its headquarters in Ohio.

78. Donnell Ford's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

79. Some of Donnell Ford's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

80. Defendant Dravo Corp., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

81. Dravo Corp.'s wastes (or wastes of a predecessor(s)) from the Dravo Composite Fuels Pilot Plant were treated and/or disposed of at the Site during times relevant to the complaint.

82. Some of Dravo Corp.'s wastes (or wastes of a predecessor(s)) from the Dravo Composite Fuels Pilot Plant that were treated and/or disposed of at the Site contained hazardous substances.

83. Defendant Duquesne Light Co. (a/k/a Allegheny Steam), was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

84. Wastes of Duquesne Light Co. or Allegheny Steam (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

85. Some of Duquesne Light Co.'s or Allegheny Steam's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

86. Defendant Eastern Associated Coal Corp. (f/k/a Eastern Coal Co.), was incorporated in the State of West Virginia, and has its headquarters in West Virginia.

87. Eastern Associated Coal Corp.'s (or Eastern Coal Co.'s) wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

88. Some of Eastern Associated Coal Corp.'s (or Eastern Coal Co.'s) wastes

(or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

89. Defendant Eaton Corp., was incorporated in the State of Ohio, and has its headquarters in Ohio.

90. Eaton Corp.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

91. Some of Eaton Corp.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

92. Defendant FMC Corp., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

93. FMC Corp.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

94. Some of FMC Corp.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

95. Defendant Greater Cleveland Regional Transit Authority (a/k/a "RTA"), is a business entity headquartered in Ohio.

96. RTA's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

97. Some of RTA's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

98. Defendant Guttman Oil Co., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

99. Guttman Oil Co.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

100. Some of Guttman Oil Co.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

101. Alternatively, wastes that Guttman Oil Co.'s transported to the Site, for treatment or disposal, which were owned by another entity, but for which Guttman Oil Co. made the selection of the Site, were treated and/or disposed of at the Site, and contained hazardous substances.

102. Defendant Harley-Davidson Motor Company, was incorporated in the State of Wisconsin, and has its headquarters in Wisconsin.

103. Harley-Davidson Motor Company wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

104. Some of Harley-Davidson Motor Company's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

105. Defendant Hydril Co., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

106. Hydril Co.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

107. Some of Hydril Co.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

108. Defendant Industrial Terminal Systems, Inc., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

109. Industrial Terminal Systems, Inc.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

110. Some of Industrial Terminal Systems, Inc.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

111. Alternatively, wastes that Industrial Terminal Systems, Inc. transported to the Site, for treatment or disposal, which were owned by another entity, but for which Industrial Terminal System made the selection of the Site, were treated and/or disposed of at the Site, and contained hazardous substances.

112. Defendant International Paper (f/k/a Hammermill Paper Co.), was incorporated in the State of Connecticut, and has its headquarters in Connecticut.

113. Wastes of International Paper or Hammermill Paper Co. (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

114. Some of International Paper's or Hammermill Paper Co.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

115. Defendant International Truck & Engine Corp. (f/k/a International Truck), was incorporated in the State of Illinois, and has its headquarters in Illinois.

116. Wastes of International Truck & Engine Corp. or International Truck (or wastes of one of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

117. Some of International Truck & Engine Corp.'s or International Truck's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained

hazardous substances.

118. Defendant J.F. Burns Machine Co., Inc., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

119. J.F. Burn Machine Co., Inc.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

120. Some of J.F. Burn Machine Co., Inc.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

121. Defendant Joy Technology, was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

122. Joy Technology's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

123. Some of Joy Technology's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

124. Defendant Kiesel Oil (a/k/a Kiesel Co.), was incorporated in the State of New York, and has its headquarters in New York.

125. Kiesel Oil's or Kiesel Co.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

126. Some of Kiesel Oil's or Kiesel Co.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

127. Alternatively, wastes that Kiesel Oil or Kiesel Co. transported to the Site, for treatment or disposal, which were owned by another entity, but for which Kiesel Oil or Kiesel

Co. made the selection of the Site, were treated and/or disposed of at the Site, and contained hazardous substances.

128. Defendant Lubriquip, Inc. (a/k/a Lubriquip Division) was incorporated in the State of Ohio, and has its headquarters in Ohio.

129. Lubriquip, Inc.'s or Lubriquip Division's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

130. Some of Lubriquip, Inc.'s or Lubriquip Division's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

131. Defendant Lustine Chevrolet, was incorporated in the District of Columbia, and has its headquarters in the District of Columbia.

132. Lustine Chevrolet's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

133. Some of Lustine Chevrolet's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

134. Defendant McKean Oldsmobile, was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

135. McKean Oldsmobile's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

136. Some of McKean Oldsmobile's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

137. Defendant Mine Safety Appliance Company, Inc. was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

138. Mine Safety Appliance Company, Inc.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

139. Some of Mine Safety Appliance Company, Inc.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

140. Defendant Mueller Copper Tube Products, Inc. (f/k/a Halstead Industries, Inc.), was incorporated in the State of Tennessee, and has its headquarters in Tennessee.

141. Wastes of Mueller Copper Tube Products or Halstead Industries (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

142. Some of Mueller Copper Tube Products' or Halstead Industries' wastes (or wastes of one of their predecessors) that were treated and/or disposed of at the Site contained hazardous substances.

143. Defendant NEPCO was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

144. NEPCO's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

145. Some of NEPCO's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

146. Defendant Newell Rubbermaid, Inc. (f/k/a Anchor Hocking Corp.), was incorporated in the State of Delaware, and has its headquarters in Georgia.

147. Wastes of Newell Rubbermaid, Inc. or Anchor Hocking Corp. (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the

complaint.

148. Some of Newell Rubbermaid, Inc.'s or Anchor Hocking's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

149. Defendant Philips Electronics North America Corp. (for Norelco Corp.), was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

150. Wastes of Philips Electronics North America Corp. or Norelco Corp. (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

151. Some of Philips Electronics North American Corp.'s or Norelco Corp.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

152. Defendant Pittsburgh Brass, was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

153. Pittsburgh Brass' wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

154. Some of Pittsburgh Brass' wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

155. Defendant Pittsburgh Tube Co., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

156. Pittsburgh Tube Co.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

157. Some of Pittsburgh Tube Co.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

158. Defendant Potomac Electric Power Co. (a/k/a PEPCO), was incorporated in the District of Columbia, and has its headquarters in the District of Columbia.

159. PEPCO's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

160. Some of PEPCO's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

161. Defendant PPG Industries, Inc., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

162. PPG Industries, Inc.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

163. Some of PPG Industries, Inc.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

164. Defendant Praxair, Inc. (f/k/a Union Carbide Co.) was incorporated in the State of Connecticut, and has its headquarters in Connecticut.

165. Praxair, Inc.'s or Union Carbide Co.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

166. Some of Praxair, Inc.'s or Union Carbide Co.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

167. Defendant Prince George's County, Maryland is a political subdivision of the State of Maryland.

168. Wastes from Prince George's County's Central Vehicle Maintenance and Department of Public Works were treated and/or disposed of at the Site during times relevant to the complaint.

169. Some of Prince George's County's wastes that were treated and/or disposed of at the Site contained hazardous substances.

170. Defendant Ryder Truck (a/k/a Ryder Truck Rental) was incorporated in the State of Florida, and has its headquarters in Florida.

171. Ryder Truck's or Ryder Truck Rental's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

172. Some of Ryder Truck's or Ryder Truck Rental's wastes (or wastes a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

173. Defendant Scalise Bros., Inc. (a/k/a Scalise Brothers), was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

174. Scalise Bros., Inc.'s or Scalise Brothers' wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

175. Some of Scalise Bros., Inc.'s or Scalise Brothers' wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

176. Defendant SKF USA Inc. (a/k/a SKF Industries) was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

177. SKF USA Inc.'s or SKF Industries' wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

178. Some of SKF USA Inc.'s or SKF Industries' wastes (or wastes of a

predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

179. Defendant Springfield Toyota, was incorporated in the State of Virginia, and has its headquarters in Virginia.

180. Springfield Toyota's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

181. Some of Springfield Toyota's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

182. Defendant Tate Dodge, was incorporated in the State of Maryland, and has its headquarters in Maryland.

183. Tate Dodge's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

184. Some of Tate Dodge's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

185. Defendant The Goodyear Tire & Rubber Co. (a/k/a Goodyear Tire and Goodyear Services Stores and Centers), was incorporated in the State of Ohio, and has its headquarters in Ohio.

186. The Goodyear Tire & Rubber Co.'s, Goodyear Tire's or Goodyear Service Stores' and/or Centers' wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

187. Some of Goodyear Tire & Rubber Co.'s, Goodyear Tire's or Goodyear Service Stores' and/or Centers' wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

188. Defendant The Hall Corp. (f/k/a Stackpole Co.), was incorporated in the State of Massachusetts, and has its headquarters in Massachusetts.

189. The Hall Corp.'s or Stackpole Co.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

190. Some of The Hall Corp.'s or Stackpole Co.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

191. Defendant The May Department Stores (d/b/a Hechts Co.), was incorporated in the State of Virginia, and has its headquarters in Virginia.

192. The May Department Store's or Hechts Co.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

193. Some of The May Department Store's or Hechts Co.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

194. Defendant Thomas Steel Co. (f/k/a Thomas Steel Strip Co.), was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

195. Thomas Steel Co.'s or Thomas Steel Strip Co.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

196. Some of Thomas Steel Co.'s or Thomas Steel Strip Co.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

197. Defendant Timonium Chrysler Plymouth, was incorporated in the State of Maryland, and has its headquarters in Maryland.

198. Timonium Chrysler Plymouth's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

199. Some of Timonium Chrysler Plymouth's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

200. Defendant Union Electric Steel Corp., was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

201. Union Electric Steel Corp.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

202. Some of Union Electric Steel Corp.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

203. Defendant United Iron & Steel (a/k/a Union Iron & Metal), was incorporated in the State of Pennsylvania, and has its headquarters in Pennsylvania.

204. United Iron & Steel's or Union Iron & Metal's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

205. Some of United Iron & Steel's or Union Iron & Metal's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

206. Defendant Verizon Maryland Inc. and Verizon Virginia Inc. (f/k/a C & P Telephone Company), was incorporated in the State of Maryland, and has its headquarters in Maryland.

207. Verizon Maryland Inc.'s, Verizon Virginia Inc.'s or C & P Telephone Company's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site

during times relevant to the complaint.

208. Some of Verizon Maryland Inc.'s, Verizon Virginia Inc.'s or C & P Telephone Company's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

209. Defendant Volkswagen of America Inc., was incorporated in the State of Michigan, and has its headquarters in Michigan.

210. Volkswagen of America Inc.'s wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

211. Some of Volkswagen of America Inc.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

212. Defendant Weber Volvo Co. (f/k/a Weber White Truck), was incorporated in the District of Columbia, and has its headquarters in the District of Columbia.

213. Weber Volvo Co.'s or Weber White Truck's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

214. Some of Weber Volvo Co.'s or Weber White Truck's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

215. Defendant Western Auto (a/k/a Western Auto Supply Company) was incorporated in the State of Virginia, and has its headquarters in Virginia.

216. Western Auto's or Western Auto Supply Company's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

217. Some of Western Auto's or Western Auto Supply Company's wastes (or

wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

218. Defendant Wollman Chevrolet, Inc. was incorporated in the State of Ohio, and has its headquarters in Ohio.

219. Wollman Chevrolet, Inc. 's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

220. Some of Wollman Chevrolet, Inc.'s wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

221. Defendant Youngstown Buick, was incorporated in the State of Ohio, and has its headquarters in Ohio.

222. Youngstown Buick's wastes (or wastes of a predecessor(s)) were treated and/or disposed of at the Site during times relevant to the complaint.

223. Some of Youngstown Buick's wastes (or wastes of a predecessor(s)) that were treated and/or disposed of at the Site contained hazardous substances.

224. Hence, each of the above-listed defendants, or a predecessor(s) either:
1) by contract, agreement or otherwise, arrange for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by each such Defendant at the Site within the meaning of CERCLA Section 107(a)(3), 42 U.S.C. § 9607(a)(3), or 2) accepted hazardous substances for transport for disposal or treatment, and selected the Site for disposal or treatment, within the meaning of CERCLA Section 107(a)(4), 42 U.S.C. § 9607(a)(4).

GENERAL ALLEGATIONS

225. In 1977, Wiseman Oil Company ("Wiseman Oil") was incorporated in Pennsylvania. Shortly thereafter Wiseman Oil constructed a used oil/sludge reprocessing facility on the Site.

226. From 1978 through 1982 Wiseman Oil received and reprocessed a variety of waste oils, sludges, solvents, tank bottoms and other waste materials at the Site. These various wastes came from numerous sources throughout Pennsylvania, Ohio, New York, West Virginia, and other States.

227. The "disposal" and "treatment" of hazardous substances, as those terms are defined respectively at 42 U.S.C. § 9603(3), 42 U.S.C. § 9603(34), and 42 U.S.C. § 9601(14) occurred at the Site while under Wiseman Oil's operation and control.

228. In 1981, Wiseman Oil Co. filed a petition in the Bankruptcy Court for the Western District of Pennsylvania, Case No. 81-3367 following Equibank's foreclosure on a mortgage.

229. In October 29, 1982, Breslube Penn, Inc. purchased from Joseph and Ruth Wiseman the real property on which the Site is located.

230. When Breslube Penn acquired the Site significant volumes of waste containing hazardous substances were stockpiled or stored onsite from the Wiseman Oil operations.

231. Breslube Penn reopened the former Wiseman Oil waste oil/sludge reprocessing facility shortly after acquiring the property.

232. Breslube Penn operated the waste oil/sludge reprocessing facility until sometime in 1986 when the Pennsylvania Department of Environmental Resources ("PADER")

declined to renew the National Pollution Discharge Elimination System (“NPDES”) permit which had allowed Breslube Penn (and previously Wiseman Oil) to discharge wastewaters from their reprocessing facility into Montour Run.

233. In November 1987, Breslube Penn entered into a Consent Order with PADER pursuant to which it drained numerous storage tanks on Site, shipped the contents off-site, installed ground water monitoring wells, and consolidated sludges, waste filtering agent, and contaminated soils into a large pile.

234. At PADER’s request, EPA became involved with the Site around 1988. EPA inspections of the Site have revealed that numerous hazardous substances have been released at the Site, including but not limited to metals such as arsenic, chromium, copper, mercury, nickel, lead and zinc, various volatile organic compounds such as 1,1,1,-trichloroethane, cis-1,3-dichloroethene, as well as polychlorinated biphenols (“PCBs”) and polyaromatic hydrocarbons (“PAHs”).

235. After reviewing sampling data from the Site, EPA concluded that “an imminent and substantial threat to human health and the environment” existed at the Site, and in November 1993 obtained funding to perform a removal action at the Site.

236. After issuing a “Notice of Liability and Offer to Negotiate” letter to Breslube Penn in November 1993, on December 22, 1993 Breslube Penn signed an Administrative Order by Consent (an “AOC”) to perform the removal action, but later failed to submit a sufficient remedial action plan for the Site.

237. In March 1994 EPA decided to perform a fund-lead removal action at the Site.

238. During the removal action EPA removed over 6,000 tons of contaminated soils and sludges from the Site.

239. After the conclusion of the removal action, EPA recommended the Site for inclusion on the National Priorities List ("NPL"), and it was listed on the NPL on June 19, 1996.

240. On October 19, 1997, the United States filed a lawsuit in the United States District Court for the Western District of Pennsylvania, under CERCLA Sections 107(a) and 113(g), 42 U.S.C. § 9613(g), seeking recovery of response costs incurred by the United States at the Site, and for a declaratory judgment for future costs, and amended the complaint on or around February 6, 1998, to add additional defendants. A total of 38 defendants were named in that litigation, including generators whose wastes were treated and/or disposed of at the Site, and owners and/or operators of the Site.

241. By mid-1998, the defendants had answered the amended complaint, and several defendants had asserted cross-claims and counter-claims. On July 15, 1998, the Court entered a Case Management Order ("CMO") that divided the litigation into two phases. During Phase 1, third party practice was stayed, and the United States was to decide whether a *de minimis* settlement is feasible, and if feasible, to effectuate the settlement. Also, during Phase 1, any defendants interested in conducting the remedial investigation/feasibility study ("RI/FS") for the Site were required to notify EPA by a set date. During Phase 2, the litigation was to resume. The CMO also encouraged the parties to appoint liaison counsel.

242. On September 15, 1998, a group of defendants including Viacom/CBS/Westinghouse, Exxon Corp., Ford Motor Co., General Motors Corp., Hussey Copper, Ltd., Kaiser Aluminum & Chemical Corp., Mobil Oil Corp., and USX Corp. (now know

as the "Work Group") notified the United States of their desire to perform the RI/FS. Since that date, Exxon and Mobil have merged, and are now known as Exxon Mobil Corp. Further, since that date, Kaiser Aluminum filed a Chapter 11 petition in bankruptcy and withdrew from participating in the Work Group. The remaining generator defendants who did not sign the AOC have been referred to by the parties and the Court as the "Non-Work Group."

243. In October 1998, the United States notified the defendants that a *de minimis* settlement was feasible.

244. On February 4, 2000, EPA and the Work Group defendants entered into an Administrative Order on Consent ("AOC") pursuant to which the Work Group has been performing the RI/FS.

245. On or around June 15, 2000, the United States, the Work Group Defendants and the Non-Work Group Defendants filed a Joint Motion to Stay Litigation, for the purposes of allowing work on the RI/FS to proceed, and performing *de minimis* settlements.

246. On August 24, 2000, the Court issued an order that, in effect, stayed the litigation by administratively closing the case, pending a motion to reopen by one or more of the parties.

247. The Work Group submitted to EPA a draft Remedial Investigation Report on March 18, 2003, and a draft Feasibility Study on June 11, 2003, which are under review by EPA. EPA currently expects the RI/FS to be completed by October 2005, and a Record of Decision issued by January 2006.

248. EPA and the United States Department of Justice have incurred Site past response costs in excess of \$4,7579,651, through January 2003, excluding removal or RI/FS

oversight costs and pre-judgment interest. With prejudgment interest- calculated from February 6, 1998 (the date the United States filed its Amended Complaint in C.A. No. 97-1863) through January 2003, the United States' costs exceed \$5,526,756.

249. Additionally, the Work Group incurred costs of approximately \$2,256,873 (through November 17, 2003) in performing the RI/FS, and estimate that they will incur at least an additional \$65,000 by the completion of the RI/FS.

250. Although the RI/FS is ongoing, EPA currently estimates that Site future response costs will be approximately \$17.3 million (including the \$65,000 in future costs to be incurred by the Work Group Defendants). The \$17.3 million figure also includes an estimate of Site future remedy costs of \$16,216,875, as well as an additional \$1.0 million in Site future response costs, which is an estimate of the United States' costs incurred, and to incurred from January 31, 2003 through December 31, 2004. EPA's estimate of future response costs may change, in the future, as more information about conditions at the Site develop.

CLAIM FOR RELIEF FOR RECOVERY OF RESPONSE COSTS

251. The allegations contained in paragraphs 1-250 are realleged and incorporated herein by reference.

252. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a)(3) provides, in pertinent part:

Notwithstanding any other provision or rule of law,
and subject only to the defenses set forth in subsection (b)
of this section -

* * * *

(3) any person who by contract, agreement, or

otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility . . . owned or operated by another party or entity and containing such hazardous substances, and

(4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities . . . or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for-

(A) all costs of removal or remedial action incurred by the United States Government . . . not inconsistent with the national contingency plan;

(B) any other necessary costs of response incurred by any Other person consistent with the national contingency plan;

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release; and

(D) the costs of any health assessment or health effects study carried out under section 9604(i) of this title.

The amounts recoverable in an action under this section shall include interest on the amounts recoverable under subparagraphs (A) through (D). Such interest shall accrue from the later of (i) the date payment of a specified amount is demanded in writing, or (ii) the date of the expenditure concerned. . . .

253. CERCLA broadly defines "person" to include "an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body." 42 U.S.C. § 9601(21).

254. Each of the Defendants listed in the caption of this Complaint, falls within the class of persons described in Section 107(a)(3) and/or Section 107(a)(4) of CERCLA, 42 U.S.C. § 9607(a)(3) and (a)(4).

255. The Site is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

256. The "disposal" and/or "treatment" of "hazardous substances" (as those terms are defined respectively at 42 U.S.C. § 1004(5), 42 U.S.C. § 1004(34), and 42 U.S.C. § 9601(14)), occurred at the Site during both the Wiseman Oil and the Breslube Penn eras.

257. There have been releases, within the meaning of Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), or the threat of releases of hazardous substances into the environment at or from the Breslube Penn Site.

258. The United States has taken "response" actions at the Breslube Penn Site, within the meaning of Section 101(25) of CERCLA, 42 U.S.C. § 9601(25), and has incurred costs in connection with taking those "response" actions. The Work Group defendants have also taken "response" actions at the Site, within the meaning of Section 101(25), and have incurred costs in connection with taking those "response" actions.

259. The costs incurred by the United States in connection with the Breslube Penn Site are not inconsistent with the National Contingency Plan, promulgated under Section 105(a) of CERCLA, 42 U.S.C. § 9605(a), and codified at 40 C.F.R. Part 300 et seq.

260. The unreimbursed response costs incurred to date by the United States in connection with the Breslube Penn Site are approximately \$5 million.

261. The United States will continue to incur response costs in connection with

the Site.

262. Each defendant named in this Complaint is jointly and severally liable to the United States for all unreimbursed response costs incurred, and to be incurred, by the United States in connection with the Site, including enforcement costs on such costs. Additionally, those defendants named in this Complaint, who were also named in the United States' Amended Complaint in C.A. 97-1863, filed on February 6, 1998, and whom the United States is now moving to dismiss from that case (Ashland, Inc., Bessemer & Lake Erie Railroad Co., Caterpillar, Inc., Cooper Energy Services, J.F. Burns Machine Co., Inc., Pittsburgh Tube Co., Praxair, Inc., SKF USA Inc., Thomas Steel Co., and Volkswagen of America, Inc.) are also liable for interest, as of at least February 6, 1998, the date the complaint was filed, naming them as a defendant. See 42 U.S.C. § 9607(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, prays that this Court:

1. Enter judgment in favor of the United States and against each defendant for all unreimbursed response costs incurred by the United States in connection with the Site, and prejudgment interest on those costs;
2. Enter a declaratory judgment stating that each defendant will be liable for all future response costs incurred by the United States in connection with the Site; and
3. Grant such other and further relief as the Court

deems just and proper.

Respectfully submitted,

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